

REMARKS

In the Office Action mailed August 1, 2006, the Examiner rejected claims 1-14 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter; rejected claims 1, 3, 5-7, and 9-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,647,383 to *August et al.* ("*August*") in view of U.S. Patent No. 5,317,725 to *Smith et al.* ("*Smith*"); rejected claims 2, 4, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *August* in view of *Smith* and further in view of U.S. Patent Application Publication No. 2002/0073200 to *Babutzka et al.* ("*Babutzka*"); rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over *August* in view of *Smith*, *Babutzka*, U.S. Patent Application Publication No. 2002/0133347 to *Schoneburg et al.* ("*Schoneburg*"), and U.S. No. Patent No. 6,360,216 to *Hennessey et al.* ("*Hennessey*"); and rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over *August* in view of *Smith* and U.S. Patent Application Publication No. 2001/0056379 to *Fujinaga et al.* ("*Fujinaga*").

I. Rejection Under 35 U.S.C. § 101

Applicant respectfully traverses the rejection of claims 1-14 under 35 U.S.C. § 101. The Examiner asserts on page 3, line 12 of the Office Action: "The phrase 'solutions are applied to solve the problem' is vague and not within a real world situation. Is the problem concerned with drug interaction, interest rates or automobile repair? Is so or some other example no such result have not been claimed."

Claim 1 recites, *inter alia*, "a service module configured to collect problem related data from the main system, **said problem related data representing a problem**

identified about data in the main system” and “an inference module configured to process problem related data with knowledge representations to identify solutions and forward the solutions through the service module to the main system, wherein the **identified solutions are applied to solve the problem.**” (Emphasis added.) The “problem” is related to “data in the main system,” as recited in claim 1. The “solutions” recited in claim 1 are used “to solve the problem.” Therefore, claim 1 recites a practical application and, more specifically, a useful, tangible, and concrete result. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent claim 1 under 35 U.S.C. § 101, and claims 2-6, 13, and 14, which depend from claim 1.

Independent claims 7 and 12, although of different scope than claim 1, also recite statutory subject matter and a practical application for evaluating problems in a main computer system. For instance, claim 7 recites, in part, “forwarding the solutions through the service module to the main system; and applying the identified solutions to solve the problem.” Further, claim 12 recites, *inter alia*, returning solutions to the main system, wherein in a first case, the service system returns solutions that solve the problem directly and, in a second case, the service system returns solutions that solve the problem indirectly by being further knowledge representations for a further inference module. Thus, independent claims 7 and 12 also recite a practical application and, in particular, a useful, tangible, and concrete result. Applicant, therefore, respectfully requests the Examiner to reconsider and withdraw the rejection of independent claims 7 and 12, along with claims 8-11, which depend from claim 7.

II. Rejection of Claims 1, 3, 5-7 and 9-12 Under 35 U.S.C. § 103(a)

In order to establish a prima facie case of obviousness, three basic criteria must be met. First, the references cited must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143. Here, the cited references cannot support a rejection under 35 U.S.C. § 103 because, among other things, *August* and *Smith*, taken alone or in any proper combination, do not disclose, teach, or suggest each and every feature recited in Applicant's claims 1 and 7.

Claim 1 recites, *inter alia*, "an acquisition module configured to acquire knowledge representations, said knowledge representations defining solution identification rules." The Examiner asserts that *August* teaches the above-recited claim limitations by referencing column 9, line 66-column 20, line 27, and column 14, lines 12-41, of *August*. Applicant traverses for the following reasons.

August is directed toward a data search engine providing means for locating information stored on a plurality of network servers. The portions of *August* highlighted by the Examiner describe a "learning engine" that builds and maintains an expert knowledge database. (*August*, col. 10, ll. 19-21.) The expert knowledge database maintains definitions of important features. (*Id.* at col. 14, ll. 38-40.) The Examiner argues on page 6, lines 1-3 of the Office Action that the claimed "defining solution

identification rules” are equivalent to the “definitions of important features” of *August*.

Applicant disagrees.

August states that “[o]ften there are features in . . . data items returned that are not obvious to the person using the system.” (*Id.* at col. 14, ll. 12-14.) Features indicated by some of the current search tools may indicate to a user how popular a site is, and these features may not be the most salient characteristics of the results the user is interested in. (*Id.* At col. 14, ll. 15-18.) The *August* system “identifies a single method of extracting important features such as title, source, author, . . . , etc.” (*Id.* at col. 14, ll. 26-27.) These are considered “important features” in the *August* system. The learning engine maintains a database of these features. (*Id.* at col. 10, ll. 19-21.)

The *August* system does not acquire any “knowledge representations, [the] knowledge representations defining solution identification rules” because the system is merely “extracting important features” from one or more data items. These “important features” are also not “rules,” much less “solution identification rules,” as recited in claim 1. They are only existing parts of data items that a user is more interested in than others, such as the title of a book. (*Id.* at col. 14, ll. 26-27.) Therefore, *August* fails to teach or suggest “an acquisition module configured to acquire knowledge representations, said knowledge representations defining solution identification rules,” as recited in claim 1. Moreover, *Smith* does not overcome the shortcomings of *August*.

The Examiner apparently cites *Smith* for its teaching of problem-related data representing a problem identified about data in the main system. (Office Action, p. 5, ll. 11-12.) However, *Smith* does not disclose or suggest the above-noted “an acquisition

module configured to acquire knowledge representations, said knowledge representations defining solution identification rules,” as recited in claim 1. Nor does the Examiner assert that *Smith* discloses such features.

Accordingly, *August* or *Smith*, taken alone or in any proper combination, do not teach or suggest each and every feature recited in Applicant’s independent claim 1 and, therefore, cannot support a rejection of these claims under 35 U.S.C. § 103(a). Applicant, therefore, respectfully requests that the Examiner withdraw the rejection of independent claim 1 under 35 U.S.C. § 103(a), as well as claims 3, 5, and 6, at least due to their dependence from claim 1.

Claims 7 and 12, although of different scope than claim 1, also recite patentable subject matter like claim 1. For example, claims 7 and 12 include limitations related to “knowledge representations defining solution identification rules.” As discussed above with regard to claim 1, *August* fails to teach these features and, therefore, cannot support a rejection of these claims under 35 U.S.C. § 103(a). Furthermore, *August* fails to anticipate claims 9-11, at least due to the dependence of these claims from independent claim 7.

III. Rejection of Claims 2, 4, 8, 13, and 14 Under 35 U.S.C. § 103(a)

As indicated above, *August* does not disclose or suggest “an acquisition module configured to acquire knowledge representations, said knowledge representations defining solution identification rules.” Similar features are also recited in claim 7, which are neither taught nor suggested by *August*. None of the references cited by the

Examiner, including *Smith, Babutzka, Schoneburg, Hennessey, or Fujinaga*, overcome these shortcomings of *August*.

The Examiner asserts that *Smith* teaches “problem related data representing a problem identified about data in the main system.” (Office Action, p. 5, ll. 11-12.) The Examiner further cites *Babutzka* for its purported teaching of “remote function call connections.” (*Id.* at p. 13, l. 19.) *Schoneburg* and *Hennessey* are cited by the Examiner together for allegedly disclosing “identifying the solutions [from a] set of predefined advices of the application, identify[ing] the solutions by applying knowledge representations in a sequential order, identify[ing] the solutions by applying knowledge representations in a hierarchical order, identify[ing] the solutions by applying knowledge representations in a dynamic adaptive order, communicat[ing] to the user by composing questions from predefined passages provided by the application, and analyses responses that the user enters in a natural language.” (*Id.* at pp. 16-17.) *Fujinaga* supposedly discloses “an enterprise resource planning application.” (*Id.* at p. 18.) Regardless of the veracity of the Examiner’s statement, *Smith, Babutzka, Schoneburg, Hennessey, and Fujinaga* do not disclose or suggest the above-noted “an acquisition module configured to acquire knowledge representations, said knowledge representations defining solution identification rules,” as recited in claim 1. Nor has the Examiner established that *Smith, Babutzka, Schoneburg, Hennessey, or Fujinaga* disclose such features.

Claim 7, although of different scope than claim 1, also recites patentable subject matter. For example, claim 7 includes limitations related to "knowledge representations defining solution identification rules."

Accordingly, *August, Smith, Babutzka, Schoneburg, Hennessey, or Fujinaga*, taken alone or in any proper combination, do not teach or suggest each and every feature recited in Applicant's independent claims 1 and 7 and, therefore, cannot support a rejection of these claims under 35 U.S.C. § 103(a). Dependent claims 2, 4, 8, 13, and 14 are therefore allowable, at least due to their corresponding dependence from claims 1 and 7.

CONCLUSION


In view of the foregoing amendments and remarks, Applicant submits that the rendered claims are neither anticipated nor rendered obvious in view of the references cited against this application. Applicant, therefore, requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of claims 1-14.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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